

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

HENRY E. YOUNG,

Plaintiff,

V.

CLALLAM BAY CORRECTIONS
CENTER, et al.,

Defendants.

Case No. C08-5717RJB

ORDER ADOPTING
REPORT AND
RECOMMENDATION,
GRANTING
DEFENDANTS' MOTION
TO DISMISS, AND
DISMISSING CASE
WITHOUT PREJUDICE

This matter comes before the court on the Report and Recommendation of the Magistrate Judge.

Dkt. 14. The court has considered the relevant documents and the remainder of the file herein.

On May 26, 2009, U.S. Magistrate Judge J. Richard Creatura issued a Report and Recommendation, recommending that this case be dismissed without prejudice, on the basis that plaintiff failed to exhaust his administrative remedies, as required by 42 U.S.C. § 1997e(a). Dkt. 14. Plaintiff did not file objections to the Report and Recommendation.

The court concurs with the reasoning and conclusion of the Magistrate Judge. Accordingly, the Report and Recommendation should be adopted, defendants' motion to dismiss should be granted, and the case should be dismissed without prejudice.

Therefore, it is hereby

ORDERED that the Report and Recommendation (Dkt. 14) is **ADOPTED**. Defendants' motion to dismiss is **GRANTED**. This case is **DISMISSED WITHOUT PREJUDICE**.

4 The Clerk is directed to send uncertified copies of this Order to all counsel of record and to any
5 party appearing *pro se* at said party's last known address.

DATED this 24th day of June, 2009.

Robert J. Bryan
ROBERT J. BRYAN
United States District Judge